

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ALCON RESEARCH, LTD.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 09-318 (LDD)
)	(CONSOLIDATED)
BARR LABORATORIES, INC., and)	
PAR PHARMACEUTICAL, INC.,)	
)	
)	
Defendants.)	
_____)	

STIPULATION AND ORDER

Plaintiff Alcon Research, Ltd. (“Alcon”) and Defendant Barr Laboratories, Inc. (“Barr”) hereby stipulate and agree as follows:

1. Except as permitted under 35 U.S.C. § 271(e)(1), the manufacture, use, offer for sale, sale or importation of the product that is the subject of Barr’s Abbreviated New Drug Application No. 91-411 (“Barr’s BAC-Free ANDA Product”) infringes claims 7, 21, 41, and 43 of U.S. Patent No. 6,503,497 (“the ‘497 patent”) and claim 18 of U.S. Patent No. 6,849,253 (“the ‘253 patent”).
2. Claims 7, 21, 41, and 43 of the ‘497 patent are not invalid.
3. Claim 18 of the ‘253 patent is not invalid.
4. Judgment is hereby entered in favor of Alcon and against Barr on Alcon’s claims of infringement of the ‘497 and ‘253 patents.

5. It is hereby ordered that the effective date of any Food and Drug Administration approval of Barr's BAC-Free ANDA Product shall be a date which is not earlier than the date of the expiration of the last to expire of the '497 and '253 patents.

STIPULATION AND ORDER

Civil Action No. 09-318 (LDD)

(CONSOLIDATED)

Page 2

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November 4, 2011

SO ORDERED this ____ day of November 2011

The Honorable Legrome D. Davis, U.S.D.J.